

# CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

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A fee of \$230 must accompany this form for any Transfer final orders including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

## SECTION 1

### GENERAL INFORMATION

#### Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes.

YES

Mark all that apply:

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Change in POD(s) or Additional POD(s) | 2. <input checked="" type="checkbox"/> Change in Place of Use      |
| 3. <input type="checkbox"/> Change in Character of Use                       | 4. <input type="checkbox"/> Change in Character of Use – Reservoir |

*A separate section will be completed for each type of change authorized in the transfer final order.*

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1. File Information

APPLICATION # <b>T-14288</b>
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2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Fessler Family, LLC</b>		PHONE NO. <b>503.559.1471</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>13009 McKee School Road NE</b>			
CITY <b>Woodburn</b>	STATE <b>OR</b>	ZIP <b>97071</b>	E-MAIL <b>tomf@woodburnnursery.com</b>

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. **Each transfer holder of record must sign this form.**

3. Transfer holder of record (this may, or may not, be the current property owner)

TRANSFER HOLDER OF RECORD <b>Same as above</b>		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

<b>29 JUL 2024</b>
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5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Tom Fessler</b>	<b>June 2024 &amp; May 2026</b>	<b>Farm Manager</b>

6. County:

<b>Marion</b>
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7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD <b>N/A</b>		
ADDRESS		
CITY	STATE	ZIP

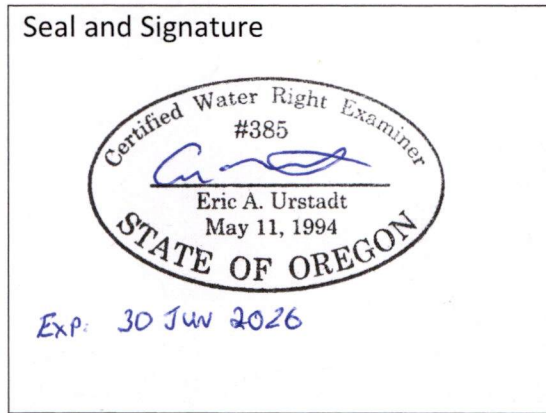
Add additional tables for owners of record as needed

**SECTION 2  
SIGNATURES**

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CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Eric Urstadt, PE, PLS, CWRE</b>		PHONE NO. <b>971.250.1520</b>	ADDITIONAL CONTACT NO. <b>N/A</b>
ADDRESS <b>39290 NW Murtaugh Road</b>			
CITY <b>North Plains</b>	STATE <b>OR</b>	ZIP <b>97133</b>	E-MAIL <b>ericurstadt@hotmail.com</b>

Transfer Holder of Record Signature or Acknowledgement

**Each** transfer holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	<b>Sandra L. Traeger</b>	<b>Registered Agent</b>	<b>2/6/2026</b>

**SECTION 3**  
**Changes Made**

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**Note: The Claim only needs to describe the changes that were authorized in the transfer final order.**

**Change #1**

**New or Additional Point of Diversion**  
**Change in POD(s) or Additional POD(s)**

Did the transfer order authorize a change in the points of diversion or additional points of diversion? **YES**

*If "NO", this Section can be deleted.*

**1. New or additional point of diversion name or number:**

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)	SOURCE
POD 2 (Pudding River)	Pudding River

**2. Variations:**

Was the use developed differently from what was authorized by the transfer final order, or extension final? **NO**

If yes, describe below.

*(e.g. "The order allowed three new/additional points of diversion. The water user only developed one of the points.")*

**The Place of Use has been adjusted for various farming reasons.**

**3. Claim Summary:**

NEW OR ADDITIONAL POD NAME OR #	MAXIMUM RATE AUTHORIZED IN ORDER	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
POD 2 Cert. 75776	0.099 CFS	1.55	N/A
POD 2 Cert. 87974	0.043 CFS	1.55	N/A

**System Description**

Are there multiple new or additional Points of Diversion (POD)? **NO**

If "YES" you will need to copy and complete Sections A, B, or C in this Section for each POD.

POD Name or Number this section describes (only needed if there is more than one):

**POD 2 (Pudding River)**

## A. POD System Information

Provide the following information concerning the point of diversion. Information provided must describe the equipment used to appropriate water from the point of diversion.

### 1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Franklin	unknown	unknown	submersible	N/A	6"

### 2. Motor Information

MANUFACTURER	HORSEPOWER
Franklin	40

### 3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40	60	0	55	1.55

### 4. Provide pump calculations:

See Attachment "C" Pump Calculations

### 5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
N/A			

Reminder: For pump calculations use the reference information at the end of this document.

### 6. Additional notes or comments related to the system:

This pump is used for other water rights.

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**B. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM’S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the diversion involve a gravity flow pipe? **NO**

**C. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING’S FORMULA FOR CANALS AND DITCHES)

1. Does the diversion involve a gravity flow ditch or canal? **NO**

**Change #2**

**Change in Place of Use**

Did the transfer order authorize a change in the place of use? **YES**

*If “NO”, this Section can be deleted.*

1. Claim Summary – Authorized Use:

If Irrigation or Nursery Use:

THE # OF ACRES ALLOWED	THE # OF ACRES DEVELOPED
8.0 Cert. 75776	8.0
0.5 Cert. 95394	0.5 Suppl
3.8 Cert. 87974	3.8
3.8 Cert. 95394	3.8 Suppl

2. Variations:

Was the use developed differently from what was authorized by the transfer final order? **YES NO**

If yes, describe below.

*(e.g. “The order authorized a change in place of use for 40 acres. The water user only developed 38 acres.”)*

**The Place of Use has been adjusted for various farming reasons.**

**Change #3**

**Change in Character of Use**

Did the transfer order authorize a change in character of use? **NO**

*If “NO”, this Section can be deleted.*

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**Change #4**

**Change in Character of Use – Reservoir**

Did the transfer order authorize a change in character of use for a reservoir?

NO

If "NO", this Section can be deleted.

### SECTION 4 CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	10 JUN 2024	
COMPLETENESS DATE FROM ORDER (C)	1 OCT 2025	Sep 2025

\* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

**2. Is there an extension final order(s)?**

NO

**3. Measurement Conditions:**

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? YES

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed? YES

YES

**c. Meter Information**

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 1	McCrometer	unknown	working	206.975 acre-feet	2015
POD 2	McCrometer	25-07303-06	working	16.746 acre-feet	2020
Well 5	McCrometer	10-08752-06	working	97.850 acre-feet	2015

If a meter has been installed, items d through f relating to this section may be deleted.

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4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

YES

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

YES

c. When was the fish screening installed?

DATE	BY WHOM
1 APR 2022	Craig Hopkins

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion. See Attachment: B: Fish Screen Approval

d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? N/A

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>, complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted?

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at: <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

7. Other conditions required by the transfer final order or extension final order:

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Other conditions? NO

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If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A
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**SECTION 5  
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
A	COBU Map
B	Fish screen approval
C	Pump Calculations
D	Application for Reimbursement Authority

**SECTION 6  
CLAIM OF BENEFICIAL USE MAP**

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on polyester film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of diversion, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the

basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

- PROPERTY LINES AND QUARTER-QUARTER LINES ARE BASED ON THE TAX ASSESSOR MAP FOR SECTIONS 28 & 33, T5S, R1W.
- AERIAL PHOTO INTERPRETATION AND PHYSICAL OBSERVATION WERE USED TO DETERMINE IRRIGATION AREAS.

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## Map Checklist

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Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on **polyester** film
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature



# Oregon

Kate Brown., Governor

## Department of Fish and Wildlife

### The Dalles Screen Shop

3561 Klindt Drive  
The Dalles, OR 97058  
(541) 296-8026  
FAX (541) 296-7889  
odfw.com

April 07, 2022

Attn. Tom Fessler  
13009 McKee School Road NE  
Woodburn, OR 97071



RE: Transfer T-13190

To whom it may concern,

Oregon Department of Fish and Wildlife has reviewed the fish screen associated with your point of diversion on the Pudding River, transfer T-13190. This site was inspected virtually with photos submitted by the landowner.

The fish screen that will be used at this point of diversion is a custom 1' by 15' long passive wedge wire screen. This screen, when installed and maintained properly is capable of screening up to 3 cfs or 1347 gpm, while protecting all age classes of anadromous salmonids from entrapment and impingement. ODFW concludes that this screen will meet current state and federal fish screening criteria set forth by National Marine Fisheries Service for a maximum withdraw rate of 3 cfs (1347 gpm) under transfer T-13190. A by-pass device is not required at this point of diversion as this is an end of pipe screen.

This approval is contingent on the following: the screen is installed prior to any withdraw of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order, including removing debris as necessary, and the screen is annually inspected when it is not in use.

If there are any questions regarding the approval of the screen for transfer T-13190, please call me at 541-967-2162.

Sincerely,

Bryce Macnab

Fish Screens and Passage Coordinator

CC. Eric Urstadt – Aspen Rural Land Consulting

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### Pump Capacity Calculation Sheet

using Department designed formula:

$$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

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#### Data Entry (fill in underlined blanks)

HP =	<u>40</u>
Efficiency =	<u>7.04</u>
Lift =	<u>55</u>
PSI =	<u>50</u>

#### Results Calculated

(hp)(efficiency) =	281.6
Head based on psi =	127.0
Total dynamic head =	182.0
(head + lift)	

<b>Pump Capacity =</b>	<b>1.55 feet per second</b>
OR	694 gallons per minute